

he was cold all over; the mate told me I had better hold my tongue; the Mate went down into the cabin, and

in about ten minutes the doctor came up; he went to the man and simply put his hand upon him: do not know what

he said; the door went out and came in again, and then went below to the cabin; in about 15 or 20 minutes the captain came up; he passed the dead man whistling, and did not seem to care whether he was dead or alive; I do not know whether the captain saw him again before he was buried; he was buried by the morning watch, between 1 and 8; the occurrence was on the high seas; the Rosalia is an American vessel; we had been out about three weeks. We arrived here about four weeks afterward; we

Cross-examined—Is 33 years of age; a native of Ireland; was some time when a sergeant in the English army in 58th regiment at New Zealand; was discharged in 1849, took a notion to go to sea; was wrecked on the going to the coast of America on board whale ship Francis; left her and shipped on board U. S. ship Vandalla; came in her to Philadelphia, and was discharged; had been on board of her two years; came to New York and shipped on board the West Point for Liverpool; shipped as an ordinary hand; left her at Liverpool; do not know that I ran away; saw John C. Chain afterward and he said I was a deserter; that I got on board the West Point six days after leaving the West Point; shipped as ordinary hand; shipped on board the Vandalla.

by the name of John Bright, which is my right name; I used to sing a comic song called Larry O'Brien, and the sailors gave me the name of O'Brien; on board the Rasmus was unable, after about three weeks, to do duty, owing to the forefinger of my right hand being somewhat swollen. I usually, by the use of my right hand, was being somewhat disabled. The Doctor gave me some stuff and it soon cured me. I was not of that; my sore hand was not occasioned by that; Emanuel was at the round house when the mate commenced beating him that Sunday morning; he said the man was kicking, but Emanuel said he was not; when the mate struck him he went as fast as he could to the dock, and the mate asked him and he said, "I am Emanuel." Emanuel said after that, "I am John Bright." Emanuel in hand,

The Mate left him; it was on the poop deck; I suppose all the watch saw it; do not know that they looked in particularly as they might have got a crack themselves; the Captain hit him with the belying pin five or six times; there was a regular squall, the man trying to get up and saying "I am falling"; the Captain said "You are not falling anything about it to anybody," made no remark except in my own mind, the ship about a week after we left Liverpool, put into Belfast, and the Captain got an addition to the crew not in consequence of there being disabled men on board, but in consequence of bad weather; at the time the Mate commenced beating Emanuel, it was rough, heavy weather, and the sailors were very much excited; the Captain was sitting in his chair with theatre as the purser

ply; beat him over the head and shoulders: there were plenty of passengers about who saw it; cannot tell how many of the five or six blows the Captain struck Emanuel with the belyaping pin, were on the shoulders; am sure I saw him afterward in the wheel-house for the Doctor to dress his wound; am sure it was the same day, and the same afternoon, that I saw the sailors, I cut off by direction of the Doctor, all Knauss's hair, and for about half an inch round the wound, close to the skull; he went out afterward by Doctor's direction, and washed the blood off him and returned: I saw a mark on his ear and on his neck, as well as two or three smaller ones, with the large one on the head; saw a wound on his

Waldron, the latter is now in Japan; Waldron, here, and Donnelly, also saw and several others; the Captain was there, looking in at the window; the wheel-house has about ten feet by sixteen. Emanuel's watch would have ended at 2 o'clock; it was now about 10, and the Doctor told him to go below; supposed to go below the main-deck; it was a very heavy yard, but not a gale; it was his watch; he went down; he called up at 4 o'clock; his watch was about half up; he said he was not able to go; I advised him to go up; it was about 5 minutes before he went up; do not know whether the Captain had supposed him to be on his watch; I did not go on deck because my watch was hurt; the captain cried out to turn Emanuel up

new man to go more on his own account than ours, as I new he would be dragged out; he appeared to be swift to go up; he went up the ladder as if very weak; when I heard him scream, after getting up, I went to the deck; two men had hold of him, trying to get him aft, and the Captain was leading him; the men struck him very hard, and he fell down; I heard him scream again; they got him into the fore-chamber; every time he was struck by the Captain, on going along, he would howl out; the ship gave a roll and they all slipped together to leeward; they all fell, but do not think that either of them struck on their head; he did not strike his head, because their feet struck the lee side first; they slid in a sitting posture; they all got up, except the new man, who lay on his back, and was dead.

p smart enough, nobody helping him up; have been kept, with two other witnesses, for some time, at King's County Prison; have spoken about it, but not particularly, saw the Captain in his cell at King's County; did not put my arm in his window, and threaten him; have no feeling for him, except a contempt. I am not sorry that I cannot feel very grateful to him; but he did not treat me so badly as he did some others; I forgive him all he did: so the afternoon they were tying up Emanuel and three Maize with others was assisting; it was dusk, about 6 o'clock, I had stood all the watches to that time, and went up then to my watch; I do not know how the man got up, but he did so, and I saw him, and when he was in the morning, he was not dead, and was there; they were

Q. I am sorry to say, however, that the chief Mate was there; he did not say anything to him; the Boatswain came up in five or six minutes from the Captain, and the Mate ordered the man to be fastened up again; I never was in the cabin; I heard the Captain order to lash him up again; the Boatswain came up immediately to the Captain; heard what he said; he did not hear what the Boatswain said to the Captain; have never said I knew nothing about the death of Emanuel.

Q. By request of Mr. C. Edwards—When I was in New-Galard I got a discharge from the Colonel under then ten year act.

J. H. Waldron sworn:—Was a seaman on ship *Lotus*; did not see any one in the cabin; saw the Boatswain lash the man up; did not hear what the Captain said to the Boatswain; did not hear what the Boatswain said to the Captain; have never said I knew nothing about the death of Emanuel.

out of stress; rather, there was a seaman on board called Emmanuel; saw the Captain, Sunday forenoon, Jan. 1, striking him over the head with a belaying pin; it cut his head open; I only saw one blow; I was on the larboard side; Emmanuel went, soon afterwards, into the wheelhouse; I saw O'Brien and the Doctor there; I did not see the Doctor cutting his throat; the Doctor was desiring to dress him, but duty then called me to some other part of the ship; between 4 and 6 in the evening, I was forward, aloft, and heard most awful screams; when I came from aloft, I saw the Captain have the man by the collar, and a belaying pin in his right hand, and the Third Mate, O'Donnell, Johnson, and

the head with the belaying pin, the blows sounded as hard as a person could hit. I did not hear Emanuel say any thing; the blood was streaming down his face, and his head cut open; his right eye was lying half way on his cheek, half in and half out; there was a cut on his left cheek, and the nose visible; after the beating ceased the Captain went below. I saw the blood on the wall as he passed. I was alone when I came down, but at once seized up, the beating was while they were in the act of seizing him up; the Captain ordered him to be lashed up; he said lash the *son* of a *b—* up with his face to windward, so that the wind will come in his face; he was seized up, with his hands behind

man hand-cuffed, fastened to a pin on the mizen mast, was raining and cold at the time; while they were seizing him, the Captain and the Second Mate were standing in the rigging, and the First Mate was standing in the foremast. When they seized him they left him there, and he was in that position when I went below at 6 o'clock; the blood was streaming from the top of his head, and the rain was coming down on his head; at 8 o'clock I found him in the condition in which I had left him: the handcuffs afterward dropped off him, and he got adrift and went to the wheel; there I saw him again, and the First Mate say to me, "Come here, Mate, to go with the lantern and see if you could not pick up the handcuffs, and the Second Mate got them; the First Mate then said, "I've got a pair that will settle him," and he put on another pair and seized him up,

with his hands in front, to a spar; his face was again to the weather side. I left him there, to come down below at midnight. At 1 o'clock the Chief Mate came again on the wheel; it was my wheel from 4 to 6 o'clock; the Second Mate ordered the men to go below and get some sandstone, so as to sink him; part of the watch were there sewing him up; the Chief Mate came into the wheel-house and sat with his hands to his face, and said not a word; I did not see the body before. It was sewed up, they told the Chief Mate that they were ready to throw it overboard; the Chief Mate said and threw it overboard; it was about a quarter past 5, yet dark; the crew were not called up, and there were no ceremonies—nothing of the kind; the Second and Third Mates were on deck; during my watch on deck

water was taken to Emanuel; there was no water in the forecabin at the time, and it must have been brought out of the cabin; he could not drink the water when it was brought to him, do not know the reason; he refused to drink; I did not speak to him at any time while he was lying up; he belonged to my watch; had not known him long on board the ship; when he first joined he was well and hearty; knew of no sickness except the beating that he got.

Cross-examined—Am aged 38; was born at Portsmouth, Eng.; had sailed in American vessels previous to this; I have been on board of many ships; that was the only vessel in which I was ever sick; I do not remember as I did was sick, and my head cut open. I have entered ships against the Can-

and Chief Mate of the *Rossini*; O'Brien was an ordinary seaman on board; he stood his watches till his fingers hurt; when I saw the Captain in the forenoon striking Emanuel I was passing on duty; saw only one blow; I did not stop to look; did not dare stop to look. Several of the questions were asked, but nothing of importance.

Direct— I entered a civil suit in Marine Court against Captain M., but not now pending.

The Court then adjourned to this forenoon, the Jury being allowed (with admonition from the Court as to not permitting themselves to be spoken to, &c.) to separate.

CIRCUIT COURT.

John S. Knapp, att. Chambers and others.

For alleged acts contained in resolutions, already referred to. The jury, after being out several hours, last evening, could not agree upon a verdict, and were discharged.

DECISIONS IN ADMIRALTY.—JUNE 1, 1872.—Before Judge BETTS.

Robert H. Waterman vs. Charles Morgan and others.

Libel demanding wages as master of the steamer North-rner, on a voyage to California, and price of supplies furnished the ship on the voyage, in the whole amounting to \$2,294.82.

Decree for the libellant for \$2,294.82, wages, and for amount of advances actually made for the ship, and for market value of supplies furnished her at Panama. The